

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 20-00022-01-CR-W-RK
	)	
JONATHAN RODGER NELSON,	)	
	)	
Defendant.	)	

ORDER

On January 28, 2020, the Grand Jury returned a three-count Indictment charging defendant Jonathan Rodger Nelson with Attempted Production of Child Pornography (Counts One and Two), and Possession of Child Pornography (Count Three).

On March 22, 2021, defendant Nelson filed a Motion for Continuance. The motion requests a continuance to the joint criminal jury trial docket commencing August 16, 2021. The suggestions in support of the motion state that the parties are close to resolving this case, but need additional time to finalize the negotiations. Defendant Nelson and government counsel have no objection to the requested continuance.

The Speedy Trial Act of 1974, as amended, mandates the commencement of the trial of a defendant within seventy days from the defendant's first appearance before a judicial officer of the court in which the charge is pending. In computing the seventy-day time period, the periods of delay set forth in 18 U.S.C. § 3161(h) are to be excluded. Any period of delay resulting from a continuance granted at the request of a defendant is excludable if the Court finds the ends of justice served by the taking of such action outweigh the best interests of the public and the defendant in a speedy trial, provided the Court sets forth the reasons for such finding. *See* 18

U.S.C. § 3161(h)(7)(A).

As outlined above, the parties are attempting to resolve this case by plea, but additional time is needed. Should these plea negotiations fail, the Court finds that it would be unreasonable to expect defense counsel to prepare this case adequately for trial prior to August 16, 2021, and that failure to grant a continuance would deny defense counsel the reasonable time necessary for effective preparation and, thus, would deny the defendant his right to effective assistance of counsel. The Court further finds the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial.

Based on the foregoing, it is

ORDERED that defendant Nelson's Motion for Continuance (Doc. #22) is granted. This case is removed from the joint criminal jury trial docket which commences May 3, 2021. It is further

ORDERED that this case is set for trial on the joint criminal jury trial docket which commences August 16, 2021. It is further

ORDERED that, pursuant to 18 U.S.C. § 3161(h), the time between the date of this Order and August 27, 2021, the last day of the August 16, 2021 Joint Criminal Jury Trial Docket, shall be excluded in computing the time within which this trial must commence.

/s/ Lajuana M. Counts

Lajuana M. Counts  
United States Magistrate Judge